



PTO/SB/81 (09-03)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|-----------------------------|-----------------------|
| POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM | Application Number | 10/789,444 |
| | Filing Date | February 27, 2004 |
| | First Named Inventor | David Shaver |
| | Title | GROWING VINED PLANTS |
| | Art Unit | N/A |
| | Examiner Name | Not Yet Assigned |
| | Attorney Docket No. | 48550/P003US/10309896 |

I hereby appoint:

☒ Practitioners associated with the Customer Number
OR

☐ Practitioner(s) named below:

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
| | | | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with
Customer Number:

OR

| | | | |
|---|--|----------------|---------------------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | Fulbright & Jaworski L.L.P. David H. Tannenbaum | | |
| Address | 2200 Ross Avenue Suite 2800 | | |
| City | Dallas | State | Texas |
| Country | USA | Zip | 75201 |
| | Telephone | (214) 855-8000 | Fax (214) 855-8200 |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

| | | | |
|------------------|---|------------------|--|
| Name | Desert Glory, Ltd., by Bryant P. Ambelang, Vice President Sales & Marketing | | |
| Signature | | | |
| Date | 3-17-04 | Telephone | |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

| |
|--|
| <input type="checkbox"/> *Total of <u>1</u> forms are submitted. |
|--|



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: David Shaver et al.

Application No./Patent No.: 10/789,444

Filed/Issue Date: February 27, 2004

Entitled: GROWING VINED PLANTS

Desert Glory, Ltd.
(Name of Assignee)

, a Limited Partnership
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ , or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ , or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ , or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

3-17-04
Date

210-509-6580
Telephone Number

Bryant P. Ambelang
Typed or printed name
Bryant P. Ambelang
Signature
Vice President, Sales & Marketing
Title

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by David Shaver and Jean M. Foissac (hereinafter referred to as Assignors), residing at 829 Meyer Road, Kingsbury, Texas 78638; and Antiguo Camino a, San Isidro Mazatepec, No. 98, Col. San Agustin, Tlajumulco de Zuniga, Jalisco, MEXICO, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in GROWING VINED PLANTS, set forth in a Patent application for Letters Patent of the United States, already filed on February 27, 2004 as U.S. application No. Not Yet Assigned; and

WHEREAS, Desert Glory, Ltd., a Limited Partnership organized under and pursuant to the laws of State of Texas having its principal place of business at 15315 Capital Port, San Antonio, Texas 78249 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and

25393302.1

delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

All practitioners at Customer Number 000029053

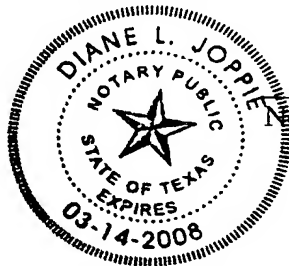
AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Date: 3-22-04

David Shaver
David Shaver

United States of America)
State of Texas) ss.:
County of Bexar)

On this 22 day of MARCH, 2004, before me
personally came David Shaver, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

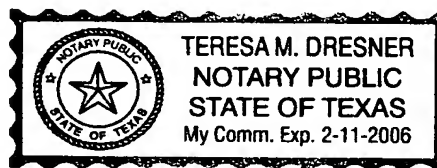


Diane L. Joppie
Notary Public

Date: 3 - 24 - 04

JMF
Jean M. Foissac

United States of America)
State of TEXAS) ss.:
County of BEXAR)



On this 24th day of MARCH, 2004, before me
personally came Jean M. Foissac, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Teresa M. Dresner
Notary Public